
SENATE BILL No. 356

DIGEST OF INTRODUCED BILL

Citations Affected: IC 3-7-29-4; IC 3-10-1; IC 3-11; IC 3-11.5-4; IC 3-11.7-2-1.

Synopsis: Voter identification. Provides that, before a voter may vote at the polls, the voter must show an identification that contains a photograph of the voter.

Effective: July 1, 2003.

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January 16, 2003, read first time and referred to Committee on Elections and Civic Affairs.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 356

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 3-7-29-4 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2003]: Sec. 4. The circuit court clerk or board
3 of registration in a county with a computerized registration system may
4 also provide the inspector of each precinct in the county with a certified
5 photocopy of the signature on the affidavit of registration of each voter
6 of the precinct for the comparison of signatures under ~~IC 3-10-1-24.5~~
7 ~~or IC 3-11-8-25.~~ **IC 3-11-8-22.**

8 SECTION 2. IC 3-10-1-7 IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2003]: Sec. 7. (a) Each county election board
10 shall furnish the inspector of each precinct, for use on primary election
11 day:

12 (1) a copy of the last regularly prepared registration record; or
13 (2) in a county with a computerized registration system, a
14 certified copy under IC 3-7-29 of the list of all voters registered
15 to vote in the precinct.

16 (b) The circuit court clerk or board of registration in a county with
17 a computerized voting system may also provide the inspector of each



precinct in the county with a certified photocopy of the signature on the affidavit or form of registration of each voter of the precinct for the comparison of signatures under ~~section 24.5 of this chapter.~~
IC 3-11-8-22.

(c) If the name of a person offering to vote at the primary is in the registration record or listed in the certified copy prepared for the precinct, it is sufficient evidence of the person's right to vote unless the person is challenged.

SECTION 3. IC 3-10-1-24, AS AMENDED BY P.L.199-2001, SECTION 18, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 24. (a) A voter who desires to vote **at a primary election** must **do both of the following**:

(1) Give the voter's name and political party to the poll clerks of the precinct on primary election day.

(2) After December 31, 2003, show the poll clerks an identification of the voter that contains a photograph of the voter.

(b) The poll clerks shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) The voter's current residence address.

(3) The name of the voter's party.

~~(b)~~ **(c)** The poll clerks shall:

(1) ask the voter to provide the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

~~(c)~~ **(d)** If the voter is unable to sign the voter's name, the voter must sign the poll list by mark, which must be witnessed by one (1) of the poll clerks or assistant poll clerks acting under IC 3-6-6, who shall place the poll clerk's or assistant poll clerk's initials after or under the mark.

SECTION 4. IC 3-10-1-24.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 24.5. ~~(a) This section does not apply to a precinct in a county with a computerized registration system whose inspector was:~~

~~(1) furnished with a list certified under IC 3-7-29; and~~

~~(2) not furnished with a certified photocopy of the signature on the affidavit of registration of each voter of the precinct for the comparison of signatures under this section.~~



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(b) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under section 7 of this chapter. If the board determines that the voter's signature is authentic, the voter may then vote.

(c) If either poll clerk doubts the voter's identity, following the comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by IC 3-11-8. If the poll clerk does not execute a challenger's affidavit under ~~IC 3-11-8-21~~ **IC 3-11-8-20** or if the voter executes a challenged voter's affidavit under IC 3-11-8-22 is satisfied, the voter may then vote.

SECTION 5. IC 3-11-8-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 19. Voters shall approach and enter the chute in the order in which they appear for the purpose of voting. A voter shall immediately announce the voter's full and true name to the challengers. **A challenger may challenge a voter under section 20 of this chapter.**

SECTION 6. IC 3-11-8-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 20. If a voter offering to vote is challenged by a challenger or by a member of the precinct election board, under this chapter, the person challenging the voter shall reduce the challenge to affidavit form, setting forth succinctly the reasons for the challenge.

SECTION 7. IC 3-11-8-22, AS AMENDED BY P.L.126-2002, SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 22. (a) A voter challenged under section 20 of this chapter may vote if **all the following are satisfied:**

(1) The voter makes an affidavit in writing that the voter is a legal voter of the precinct. ~~and~~

(2) Either of the following applies:

(+) (A) The voter's name appears on the registration list.

(-) (B) The voter does one (1) of the following:

(A) (i) Produces a certificate of error issued by a registration official of the county in accordance with IC 3-7-48 showing that the voter is registered in the precinct where the voter resides and offers to vote.

(B) (ii) Produces an affidavit executed under IC 3-10-10 or IC 3-10-11 if the voter executed an affidavit under those provisions.

(C) (iii) Makes an oral or a written affirmation under IC 3-10-12.

(3) This subdivision does not apply to a precinct in a county



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with a computerized registration system whose inspector is:
 (A) furnished with a list certified under IC 3-7-29; and
 (B) not furnished with a certified photocopy of the
 signature on the affidavit of registration of each voter of
 the precinct for the comparison of signatures under this
 section.

The precinct election board shall compare the voter's
 signature with the signature on the affidavit of registration or
 any certified copy of the signature provided under IC 3-7-29.
 A majority of the board must determine that the voter's
 signature is authentic.

**(4) A majority of the precinct election board determines that
 the voter is the individual who appears on the identification
 produced under section 25 of this chapter.**

(b) After December 31, 2003, a voter challenged under section 20
 of this chapter:

- (1) whose name does not appear on the registration list; and
- (2) who is not permitted to cast a vote under IC 3-7-48-1,
 IC 3-7-48-5, IC 3-7-48-7, IC 3-10-10, IC 3-10-11-2, or
 IC 3-10-12;

is entitled to cast a provisional ballot under IC 3-11.7 if the voter
 makes an affidavit in writing that the voter is a legal voter of the
 precinct **and shows the poll clerks an identification of the voter that
 contains a photograph of the voter.**

SECTION 8. IC 3-11-8-25, AS AMENDED BY P.L.199-2001,
 SECTION 21, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 JULY 1, 2003]: Sec. 25. (a) After a voter has passed the challengers or
 has been sworn in, the voter shall be admitted to the polls. Upon
 entering the polls, the voter shall **do both of the following:**

- (1) Announce the voter's name to the poll clerks or assistant poll
 clerks.**
- (2) After December 31, 2003, show the poll clerks an
 identification of the voter that contains a photograph of the
 voter.**

**(b) A poll clerk, an assistant poll clerk, or a member of the precinct
 election board shall require the voter to write the following on the poll
 list:**

- (1) The voter's name.
- (2) The voter's current residence address.

~~(b)~~ **(c) The poll clerk, an assistant poll clerk, or a member of the
 precinct election board shall:**

- (1) ask the voter to provide the voter's voter identification

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number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide a voter identification number at the polls.

(c) This subsection does not apply to a precinct in a county with a computerized registration system whose inspector was:

(1) furnished with a list certified under IC 3-7-29; and

(2) not furnished with a certified photocopy of the signature on the affidavit of registration of each voter of the precinct for the comparison of signatures under this section.

In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(d) If, in a precinct governed by subsection (c):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22 of this chapter or had executed the affidavit before signing the poll list;

the voter may then vote.

(d) If either poll clerk doubts the voter's identity, the poll clerk shall challenge the voter in the manner prescribed by section 20 of this chapter. A poll clerk may not challenge a voter under this subsection if:

(1) the voter was challenged by a challenger under section 20 of this chapter; and

(2) the precinct election board has determined under section 22(a)(4) of this chapter that the voter is the individual who appears on the identification produced under section 19 of this chapter.

However, a poll clerk who doubts the identity of the voter may make a notation in the poll book that the poll clerk doubts the identity of the voter.

(e) A person challenged under this section may vote only if section 22 of this chapter is satisfied.

SECTION 9. IC 3-11-8-27 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 27. (a) If a member of

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a precinct election board is not satisfied that a person who offers to vote is the person who the person represents the person to be, the member may challenge the person ~~and the~~ **under section 20 of this chapter.**

(b) A member of the precinct election board may not challenge a voter under subsection (a) if:

(1) the voter was challenged by a:

(A) challenger under section 19 of this chapter; or

(B) poll clerk under section 25 of this chapter; and

(2) the precinct election board has determined under section 22(a)(4) of this chapter that the voter is the individual who appears on the identification produced under section 19 or 25 of this chapter.

However, a member of the precinct election board who doubts the identity of the voter may make a notation in the poll book that the member doubts the identity of the voter.

(c) A person challenged under this section may vote only if the person signs the affidavit required to be signed by voters who are challenged under section 20 22 of this chapter is satisfied.

SECTION 10. IC 3-11-10-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 22. If an absentee ballot is challenged under section 21 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person. ~~In all other respects~~ The challenge procedure is the same as though the ballot was cast by the voter in person. If a proper affidavit is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, then the absentee ballot shall be placed in the ballot box. **However, an identification of the voter containing a picture of the voter is not required to be produced.**

SECTION 11. IC 3-11.5-4-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. (a) The vote of an absentee voter may be challenged at the polls for the reason that the absentee voter is not a legal voter of the precinct where the ballot is being cast.

(b) Before the inspector prepares to mark the poll list to indicate that an absentee ballot cast by the voter has been received by the county election board according to a certificate delivered to the polls under section 1 or section 8 of this chapter, the inspector shall notify the challengers and the pollbook holders that the inspector is about to mark the poll list under this section. The inspector shall provide the challengers and pollbook holders with the name and address of each

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voter listed in the certificate so that the voter may be challenged under this article.

(c) The precinct election board may hear and determine a challenge under this section as though the ballot was cast by the voter in person. **However, an identification of the voter containing a picture of the voter is not required to be produced.**

SECTION 12. IC 3-11.5-4-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 16. (a) If an absentee ballot is challenged under section 15 of this chapter, the absentee voter's application for an absentee ballot shall be considered as the affidavit required to be made by a voter when challenged at the polls while voting in person. ~~In all other respects,~~ The challenge procedure is the same as though the ballot was cast by the voter in person. **However, an identification of the voter containing a picture of the voter is not required to be produced.**

(b) If a proper affidavit by a qualified person in the form required by IC 3-11-8-22 is made that would entitle the absentee voter to vote if the absentee voter had personally appeared, the couriers shall return the affidavit to the county election board in the same envelope as the certificate returned under section 9 of this chapter.

(c) The absentee ballot cast by the challenged voter shall be counted if the county election board makes the findings required under section 11 of this chapter.

SECTION 13. IC 3-11.7-2-1, AS ADDED BY P.L.126-2002, SECTION 87, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. **(a) This section applies to** an individual:

- (1) whose name does not appear on the registration list; and
- (2) who is not permitted to vote under IC 3-7-48-1, IC 3-7-48-5, IC 3-7-48-7, IC 3-10-10, IC 3-10-11-2, or IC 3-10-12.

(b) An individual described in subsection (a) may cast a provisional ballot if the individual does both of the following:

- (1) Executes an affidavit described in IC 3-11-8-23.**
- (2) After December 31, 2003, shows the poll clerks an identification of the voter that contains a photograph of the voter.**

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